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 COUNTY OF SANTA CLARA,  
 KENNETH BORELLI, LAWRENCE  
 GALLEGOS, EPIFANIO REYNA, AND  
 TANYA BEYERS

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 (San Jose)

UNITED STATES OF AMERICA,  
 ex. rel. DONNA M McLEAN et al.,

Plaintiffs,

v.

THE COUNTY OF SANTA CLARA, a  
 municipality et al.,

Defendants.

No. C05-01962 HRL

**STIPULATION AND ~~PROPOSED~~ ORDER  
 TO MODIFY SCHEDULING ORDER;  
 DECLARATION OF STEVE SCHMID IN  
 SUPPORT THEREOF**

Pursuant to the Court's April 28, 2010 Order (Docket No. 328), hearing on the parties cross-motions for summary judgment is scheduled for August 24, 2010. The April 28, 2010 order specified that oppositions for both cross-motions were due on June 22, 2010 and July 20, 2010. Pursuant to the Court's order dated June 17, 2010 (Docket No. 330) the briefing schedule was further modified as follows: Oppositions due by June 24, 2010 and Replies due by July 22, 2010.

Because of Defendant County of Santa Clara's counsel's family plans during the week of August 24, 2010, and further calendar issues of Relator's counsel, the parties have agreed to a modification of the current schedule with the Court's permission. Therefore, the parties hereby submit the following stipulation and order to modify the current scheduling order as follows:

Stipulation and ~~PROPOSED~~ Order to Modify  
 Scheduling Order; Decl of Steve Schmid

		<u><b>Current</b></u>	<u><b>Proposed</b></u>
1			
2	Hearing Date for both cross-motions	August 24, 2010	September 14, 2010
3	Oppositions due for both cross-motions	June 24, 2010	June 25, 2010
4	Replies due for both cross-motions	July 22, 2010	August 5, 2010

5           This Stipulation and Proposed Order is accompanied by the Declaration of Steve Schmid  
6   attached hereto.

7 I hereby attest that I have on file all holographic signatures for any signatures indicated by  
8 “conformed” signature (/S/) within this efiled document.

9 IT IS SO STIPULATED.

10 Respectfully Submitted,  
11 MIGUEL MÁRQUEZ  
County Counsel

13 Dated: June 22, 2010 By: /S/  
14 STEVE SCHMID  
Deputy County Counsel

Attorneys for Defendants  
COUNTY OF SANTA CLARA,  
KENNETH BORELLI, LAWRENCE  
GALLEGOS, EPIFANIO REYNA, and  
TANYA BEYERS

19 Dated: June 22, 2010  
20 LAW OFFICE OF JEREMY L.  
FRIEDMAN AND TIERNEY,  
WATSON & HEALY

21 By: /S/ Jeremy L. Friedman  
JEREMY FRIEDMAN

Attorneys for Relator  
DONNA McLEAN

**DECLARATION OF STEVE SCHMID IN SUPPORT OF STIPULATION  
AND PROPOSED ORDER TO MODIFY SCHEDULING ORDER**

I, Steve Schmid, declare as follows:

1. I am employed as a Deputy County Counsel for the County of Santa Clara and am duly licensed to practice law before this Court and all California courts. I am one of the attorneys of record for the County of Santa Clara Defendants.

2. The parties have previously requested continuance of the hearing on two cross-motions for summary judgment and modification of the briefing schedule. When the Court responded by continuing the hearing date from June 8, 2010 to August 24, 2010, I neglected to note that I had family plans to be out of town that day. On June 21, 2010, I telephoned Relator's attorney to find out if Relator would agree to stipulate to a request to continue the hearing date to a later date. We agreed upon September 14, 2010. Relator's counsel requested a stipulation to slightly modify the briefing schedule as follows: move the date for filing oppositions from June 24, 2010 to June 25, 2010, and move the date for filing Replies from July 22, 2010 to August 5, 2010. Defendant County is amenable to these briefing modifications.

3. This request for an order to modify the scheduling order is made jointly pursuant to stipulation. Counsel for Relator and Santa Clara County Defendants have met and conferred regarding the proposed modified schedule.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 22nd day of June, 2010 at San Jose, California.

/S/  
STEVE SCHMID


**ORDER**

The Court has considered the stipulation to modify the scheduling order information currently in force and makes the following order pursuant to the stipulation:

	<del>XXXXXX</del>	<del>XXXXXX</del>
Hearing Date for both cross-motions	<del>XXXXXX, 2010</del>	September 14, 2010
Oppositions due for both cross-motions	<del>XXXXXX, 2010</del>	June 25, 2010
Replies due for both cross-motions	<del>XXXXXX, 2010</del>	August 5, 2010

IT IS SO ORDERED.

Dated: June 24, 2010

  
 JUDGE HOWARD R. LLOYD  
 United States Magistrate Judge